

HOUSE BILL 53

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2004 Regular Session  
4lr0489  
CF 4lr2690

(PRE-FILED)

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By: ~~Delegates Montgomery and Cadden, Barve, Cadden, Barkley, Bobo, Boschert, Boteler, Bozman, G. Clagett, Conroy, Frank, Gaines, Glassman, Goldwater, Kach, Kaiser, Kelley, Lee, Leopold, Mandel, McConkey, Miller, Morhaim, Murray, Proctor, Quinter, Ramirez, Ross, Stern, Taylor, Trueschler, F. Turner, and Vaughn Vaughn, and Healey~~

Requested: September 3, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 26, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Voting Systems - Voter-Verified Paper Records**

3 FOR the purpose of requiring that certain voting systems produce a paper record of a  
4 voter's ballot choices and provide the voter with an opportunity to inspect the  
5 paper record; requiring that the paper records be preserved at the polling place  
6 in a certain manner so that the paper records may later be used in a manual  
7 recount if necessary; requiring the State Board of Elections to conduct a  
8 comparison of certain ballots in a random sampling of election districts;  
9 establishing a Task Force to Study Voting System Verification; establishing the  
10 membership of the Task Force; prohibiting a member of the Task Force from  
11 receiving certain compensation; authorizing a member of the Task Force to be  
12 reimbursed for certain expenses; requiring the Task Force to issue a report of its  
13 findings and recommendations on or before a certain date; providing for the  
14 application of this Act; requiring the Governor to allocate certain resources;  
15 providing for the termination of certain provisions of this Act; making certain  
16 provisions of this Act contingent on a certain finding by the Task Force;  
17 providing for the effective dates of this Act; and generally relating to voting  
18 systems system verification.

19 BY repealing and reenacting, without amendments,  
20 Article - Election Law  
21 Section 1-101(s)  
22 Annotated Code of Maryland

1 (2003 Volume and 2003 Supplement)

2 BY adding to

3 Article - Election Law

4 Section 9-107

5 Annotated Code of Maryland

6 (2003 Volume and 2003 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Election Law**

10 1-101.

11 (s) (1) "Document ballot" means a ballot used with a voting system in which  
12 the voter individually is issued a ballot on which to indicate one or more votes.

13 (2) "Document ballot" includes:

14 (i) a machine-read ballot, such as an optically scanned ballot or  
15 punchcard ballot; and

16 (ii) a hand-counted paper ballot.

17 9-107.

18 (A) (1) ANY VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT  
19 SHALL PRODUCE A PAPER RECORD THAT SHALL BE MADE AVAILABLE FOR  
20 INSPECTION AND VERIFICATION BY THE VOTER AT THE TIME THE VOTE IS CAST.

21 (2) THE VOTER-VERIFIED PAPER RECORD SHALL BE PRESERVED  
22 WITHIN THE POLLING PLACE IN THE MANNER THAT ALL OTHER DOCUMENT  
23 BALLOTS ARE PRESERVED WITHIN THE POLLING PLACE ON ELECTION DAY FOR  
24 LATER USE IN ANY MANUAL RECOUNT.

25 (B) A VOTER WHO RECEIVES A VOTER-VERIFIED PAPER RECORD IN  
26 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY REVIEW THE  
27 PERMANENT PAPER RECORD AND CORRECT ANY ERROR MADE BY THE SYSTEM  
28 BEFORE THE PAPER RECORD IS PRESERVED FOR USE IN ANY MANUAL RECOUNT.

29 (C) THE VOTER-VERIFIED PAPER RECORD PRODUCED UNDER SUBSECTION (A)  
30 OF THIS SECTION SHALL BE AVAILABLE AS AN OFFICIAL RECORD AND SHALL BE THE  
31 OFFICIAL RECORD USED FOR ANY RECOUNT CONDUCTED WITH RESPECT TO ANY  
32 ELECTION WHEN THE SYSTEM IS USED.

33 (D) IN A RANDOM SAMPLING OF 2% OF THE TOTAL NUMBER OF PRECINCTS  
34 WITHIN EACH LEGISLATIVE DISTRICT THAT PRODUCE VOTER-VERIFIED PAPER  
35 RECORDS, THE STATE BOARD SHALL COMPARE THE VOTER-VERIFIED PAPER

1 RECORDS AGAINST THE ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS  
2 TO VERIFY THAT THE ELECTRONICALLY RECORDED RESULTS EQUAL THE  
3 VOTER-VERIFIED PAPER RECORDS.

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) There is a Task Force to Study Voting System Verification.

6 (b) The Task Force consists of the following members:

7 (1) five members of the Senate Budget and Taxation Committee,  
8 appointed by the President of the Senate;

9 (2) five members of the Election Law Subcommittee of the House  
10 Ways and Means Committee, appointed by the Speaker;

11 (3) the State Administrator of Elections, or the State Administrator  
12 of Elections' designee;

13 (4) the Chairman of the State Board of Elections, or the Chairman's  
14 designee;

15 (5) a representative of the Maryland Association of Elections  
16 Officials, appointed by the Governor;

17 (6) an individual with experience in the information technology of  
18 voting machines, appointed by the Governor; and

19 (7) an information technology officer from the Department of  
20 Budget and Management, appointed by the Secretary of Budget and Management.

21 (c) The Task Force shall study and make determinations on the  
22 feasibility of implementing, on or before January 1, 2006, a voting verification  
23 system.

24 (d) The Task Force shall study:

25 (1) the verification methods currently used with the direct  
26 recording electronic voting systems used by the State;

27 (2) the different methods and types of verification that can be used  
28 with the direct recording electronic voting systems;

29 (3) the best method to ensure the secrecy of the ballot for disabled  
30 and visually impaired voters;

31 (4) the ability of the verification system to accommodate multiple  
32 languages; and

33 (5) possible cost effective alternatives for implementing the  
34 verification methods.

1           (e)     The Task Force shall:

2                   (1)     determine whether or not it is feasible to implement, on or  
3 before January 1, 2006, a voting system that produces voter-verified paper records;  
4 and

5                   (2)     submit its findings and recommendations to the Governor and,  
6 subject to § 2-1246 of the State Government Article, the General Assembly on or  
7 before December 31, 2004.

8     SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
9 apply to each election occurring on or after January 1, 2006 that is required to be  
10 conducted in accordance with the Election Law Article.

11     SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall  
12 allocate the resources required to implement the requirements of Section 1 of this Act,  
13 including any gift received by the State for the purposes of this Act under § 2-201 of  
14 the State Finance and Procurement Article, or, except for federal funds received by  
15 the State to implement the requirements of The Help America Vote Act 2002, any  
16 federal or other special funds or grant received by the State in accordance with  
17 federal and State law for the purposes of this Act by fiscal year 2006.

18     SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this  
19 Act shall take effect on October 1, 2005, contingent on a finding by the Task Force to  
20 Study Voting System Verification, as required under Section 2 of this Act, that it is  
21 feasible to implement a system that produces voter-verified paper records by  
22 January 1, 2006.

23     SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in  
24 Section 5 of this Act, this Act shall take effect July 1, 2004. Section 2 of this Act shall  
25 remain effective for a period of 1 year and, at the end of June 30, 2005, with no  
26 further action required by the General Assembly, Section 2 of this Act shall be  
27 abrogated and of no further force and effect.

28     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2004.